

**STATE OF CONNECTICUT
OFFICE OF THE CHILD ADVOCATE
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**TESTIMONY FROM THE OFFICE OF THE CHILD ADVOCATE
TO THE EDUCATION COMMITTEE, MARCH 1, 2023**

**RAISED BILL NO. 1093, AN ACT IMPLEMENTING THE
RECOMMENDATIONS OF THE JUVENILE JUSTICE POLICY AND
OVERSIGHT COMMITTEE CONCERNING EDUCATION – SUPPORT**

Good morning Chairman Currey and Chairman McCrory, Representative McCarty, Senator Berthel, and other members of the Education Committees. This testimony is being submitted on behalf of the Office of the Child Advocate (“OCA”), an independent state oversight agency. The obligations of the OCA are to review, investigate, and make recommendations regarding how our publicly funded state and local systems meet the needs of vulnerable children.

OCA supports implementation of the recommendations of the JJPOC.

Disproportionate Suspension/Expulsion

Section 1 of the bill requires school districts with high rates of disproportionality in suspension and expulsion to develop and submit a response and improvement plan to the Department of Education. While the state has made progress in reducing suspension and expulsions, there is still much work to be done. Currently, thirteen (13) districts are listed as Tier 3, meaning they have consistently high racial/ethnic disproportionality in the issuance of disciplinary sanctions.

In 2022, OCA reviewed one of those districts’ issuance of school-based sanctions due to the concurrent number of arrests (7) of students 12 and under, all of whom were Black, Hispanic, or bi-racial. The district was responsive to OCA’s recommendations to more closely monitor the use of school-based discipline and reliance on police and the district agreed to partner with the Child Health and Development Institute of Connecticut for the next school year to assist with reducing reliance on exclusionary discipline and school based arrests to address student behavior.

To address persistent racial/ethnic disproportionality in student discipline and the disparate impact of these concerns on students with disabilities, it is critical that the State Department of Education (SDE) have resources to provide support, on-site monitoring and oversight of schools implementing improvement plans. Notably, SDE is obligated under federal special education law to monitor and enforce the Individuals with Disabilities Education Act. Schools’ overreliance on school-based sanctions to address student behavior is a serious red flag that there are programmatic deficiencies, including deficiencies in the delivery of special education and related services, impacting students with specialized or more complex learning needs.

Finally, Connecticut must have meaningful and resourced strategies to address disproportionality in student discipline and other school-based sanctions. As recently stated by the U.S. Office for Civil Rights, “Our nation's civil rights laws require fair and nondiscriminatory school discipline practices, yet we have data that show concerning disparities based on race, sex, and disability in the administration of discipline.”¹ In settling one investigation into a school district’s persistent overuse of suspension and poor service delivery for Black and Hispanic students, the U.S. Department of Justice stated:

Discrimination against students because of their race or disability has no place in our country’s public schools. A student’s race or disability should never mean receiving harsher punishment in school. Such practices are unfair and unlawful, and they deny students equal access to the educational opportunities that are critical to success in school and beyond.²

The DOJ’s settlement required, similar to this bill, several remedial action steps:

The District must take proactive steps to ensure its discipline practices do not discriminate against students based on race or disability. The district will, among other things, regularly review how schools handle discipline incidents to ensure non-discriminatory treatment, expand its use of positive behavior supports, and provide appropriate training and resources to help schools implement the agreement, including training for teachers, administrators, and school safety officers. In addition, for parents and guardians with language barriers, the district will ensure it communicates essential school-related information in a language that they understand so their children can access the district’s instructional programs.³

Reducing Classroom Sizes

The bill also sets new caps on classroom sizes, to be phased in between the time of the bill’s passage and July 2028. Reasonable classroom sizes enable teachers to focus on the individual needs of students. This includes focusing on academic needs, differentiated instruction for children with disabilities, and implementing pro-active positive strategies that can help avoid behavioral escalations. All of the things that we want to be able to do for our children and teachers: allow them to develop positive relationships, receive individualized attention and support, address remedial education needs, promote student wellness and mental health, reduce suspension and expulsion, promote positive school climate, all of this will take meaningful and sustained investment in schools, including investments that target reduce class sizes. As long as there are children struggling in schools with large class sizes, few support resources, and educators and administrators stretched to the breaking point, we will not be able to address children’s wellness, mental health, or disproportionality in student discipline.

¹ <https://www.ed.gov/news/press-releases/us-department-educations-office-civil-rights-seeks-information-nondiscriminatory-administration-school-discipline>

² <https://www.justice.gov/opa/pr/justice-department-reaches-settlement-toledo-public-schools-resolve-complaints-race-and>

³ Id. The U.S. DOJ Civil Division in partnership with the Ohio U.S. Attorneys’ Office also investigated the district’s alleged violated of requirements in Title IX of the U.S. Civil Rights Act in failing to ensure that parents who are not English language proficient have meaningful access to educational information about their child.

Mental Health/Suicidality

Section 5 of the bill would require SDE to recommend assessments for screening students who exhibit mental health distress or who have been identified as at risk of suicide. OCA supports this provision and highlights the need to focus on children's mental health and suicidality. Recently, the U.S. Centers for Disease Control released a report analyzing the most recent data and trends from its biannual Youth Risk Behavior Survey.⁴ The YRBS surveys almost twenty thousand students across the country to generate the data regarding adolescent wellbeing.⁵ The CDC conducts the national Youth Risk Behavior Survey (YRBS) every two years, most recently in 2021, among a nationally representative sample of U.S. public and private high school students. The survey asks youth questions regarding a range of behaviors including substance use, suicidal thoughts and behaviors, experiences with violence and poor mental health, social determinants of health such as unstable housing, and protective factors such as school connectedness and parental monitoring. The CDC's most recent report found that over the last 10 years, and evidenced in the recent data, most youth risk indicators have worsened. Excerpts from the CDC report issued this week include these alarming statistics:⁶

As we saw in the 10 years prior to the COVID-19 pandemic, mental health among students overall continues to worsen, with more than 40% of high school students feeling so sad or hopeless that they could not engage in their regular activities for at least two weeks during the previous year—a possible indication of the experience of depressive symptoms. We also saw significant increases in the percentage of youth who seriously considered suicide, made a suicide plan, and attempted suicide.

Across almost all measures of substance use, experiences of violence, mental health, and suicidal thoughts and behaviors, female students are faring more poorly than male students. These differences, and the rates at which female students are reporting such negative experiences, are stark.

In 2021, almost 60% of female students experienced persistent feelings of sadness or hopelessness during the past year and nearly 25% made a suicide plan.

⁴ https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf

⁵ According to the CDC: "In each survey cycle, the national YRBS uses a three-stage cluster sample design to produce a nationally representative sample of students in grades 9–12 attending public (including charter schools), Catholic, and other non-public schools in the 50 states and the District of Columbia... Survey procedures are designed to protect students' privacy by allowing for anonymous and voluntary participation. Before survey administration, local parental permission procedures are followed... For the 2021 national YRBS, 17,508 questionnaires were completed in 152 schools. The data set was cleaned and edited for inconsistencies. Missing data were not statistically imputed. After editing, 17,232 questionnaires were usable. The school response rate was 73%, the student response rate was 79%, and the overall response rate, which is the product of the school and student response rates, was 58%." YRBS Report at 77-79.

⁶ https://www.cdc.gov/healthyyouth/data/yrbs/pdf/YRBS_Data-Summary-Trends_Report2023_508.pdf

Close to 70% of LGBTQ+ students experienced persistent feelings of sadness or hopelessness during the past year and more than 50% had poor mental health during the past 30 days. Almost 25% attempted suicide during the past year...

The CDC recommends a system wide commitment to strengthening protective factors for children and increasing children's access to critical mental health assessments and care.

Connecticut Suicide Data 2021 To Present

OCA is a permanent member and co-chair of the state's Child Fatality Review Panel (CFRP). We continue to see children as young as 11- and 12-years old die by suicide in our state, consistent with national trends showing the age of children dying by suicide is decreasing. Suicide is now one of the leading causes of death for children starting at age 10. Below is recent Connecticut data on youth suicide.

Row Labels	Count of Race
Black	3
Hispanic/White	4
Other	1
White	18
Total	26

Row Labels	Count of G
F	10
M	16
Total	26

Row Labels	Count of Age at time of Death
11.0001-	
12.0001	3
12.0001-	
13.0001	3
13.0001-	
14.0001	3
14.0001-	
15.0001	2
15.0001-	
16.0001	2
16.0001-	
17.0001	5

17.0001-	
18.0001	8
Grand Total	26

CT: MEANS OF SUICIDE

4: involved a gun
17: asphyxiation

Given this data, we must do everything we can to address the mental health needs of students and reduce the risk of suicide. Providing schools with recommendations for appropriate screening tools is an important part of this effort.

Alternative Educational Opportunities

Section 6 requires the ten largest school districts in the state to submit to the JJPOC reports concerning expulsions and the provision of alternative educational opportunities. Under Connecticut General Statutes § 10-233d, when students are expelled, schools must offer an alternative educational opportunity for all students under sixteen and, for certain students aged sixteen to eighteen. This bill seeks to obtain data and information on these alternative placements, including the types of opportunities provided, the credits completed, and how that compares to the standards developed by the State Board of Education. Such information is an important part of assessing the adequacy of education provided to children are expelled.

Advisory Committee on Pre-K to 2 Suspension/Expulsion

Section 7 of the bill would establish an advisory committee concerning suspension and expulsions of students in grades pre-K to two. In relation to our youngest students, pre-K to second grade, Connecticut law prohibits out-of-school suspension, except in specific limited circumstances, and prohibits expulsion, except in certain situations where expulsion is mandated (related to guns and illegal drugs). Here, we are talking about children aged three to seven or eight years old. It is incumbent upon all of us to determine the drivers of suspension and expulsion of children in this age range and that we identify ways to address the problem behaviors without the need to exclude young children from school. Data also continues to demonstrate that there are acute problems of racial and ethnic disproportionality in student discipline for this age group.